

United States District Court
District of Massachusetts

NATIONAL ELECTRICAL BENEFIT FUND)
by its TRUSTEES, JON F. WALTERS)
and D.R. BORDEN, JR.,)
Plaintiffs,) Civil Action No.
v.) 05-10969-NMG
UPPER CAPE ELECTRICAL, INC.,)
Defendant,)
and)
CAPE COD BANK & TRUST COMPANY,)
Trustee Process)
Defendant.)

SUMMONS TO TRUSTEE

DOCKETED

To the above-named Trustee:

You are hereby summoned and required to file, within 20 days after service of this summons upon you, exclusive of the day of service, a disclosure under oath of what goods effects or credits, if any, of the defendant, Upper Cape Electrical, Inc., are in your hands or possession at the time of the service of this summons upon you which may be taken on execution issued upon such judgment, if any, as the plaintiffs, National Electrical Benefit Fund, by its Trustees, John F. Walters and D.R. Borden, Jr., whose attorneys are Gregory A Geiman and Mary T. Sullivan,

of Boston, MA, may recover in an action brought against the said defendants in this Court to the value of \$45,479.72. Such goods, effects or credits are hereby attached. If you do not do so, judgment by default will be taken against you and you will be adjudged trustee as alleged.

The complaint in this case was filed on May 10, 2005. This attachment was approved on August 8, 2005 by United States District Judge Nathaniel M. Gorton in the amount stated above.

If the credits of the said defendant which are in your hands or possession include wages for personal labor or personal services of said defendant, you are hereby notified that an amount not exceeding \$125 per week of such wages are exempt from this attachment and you are directed to pay over such exempted amount to said defendant in the same manner and at the same time as each such amount would have been paid if this attachment had not been made.

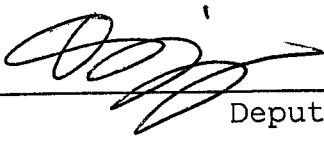
If the said credits include a pension payable to said defendant which is not otherwise exempt by law from attachment, you are hereby notified that an amount not exceeding \$100 for each week which has elapsed since the last preceding payment under such pension was payable to said defendant, and \$100 per week hereafter, are exempt from this attachment and you are directed to pay over such exempted amounts to said defendant in the same manner and at the same time as each such amount would

have been paid if this attachment had not been made.

If you are a trust company, savings bank, cooperative bank, credit union, national banking association, or any other banking institution doing business in the Commonwealth, and if the credits of the said defendant in your hands include an account or accounts in the name of any natural person, you are hereby notified that pursuant to Massachusetts General Laws, Chapter 246, Section 28A, \$500 owned by the said defendants (if a natural person) are exempt from this attachment (a joint account to be treated for this purpose as if each depositor owned one-half of the amount thereof). No business, trust, or organization shall be entitled to this exemption, and no natural person shall be entitled to more than a \$500 exemption at any one time.

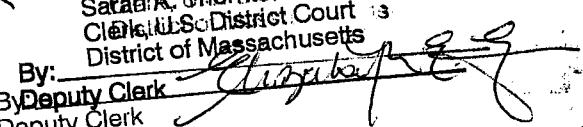
Dated this 8th day of August, 2005

SARAH A. THORNTON
CLERK OF COURT

By: 

Deputy Clerk

I hereby certify on 3-11-05 that the copy of the
foregoing document is true and correct copy of the
foregoing docket in the captioned case
 Electronic docket filed on _____
 Electronically filed original filed on _____
 original filed in my office on _____
 Sarah A. Thornton, Clerk
 U.S. District Court
 District of Massachusetts

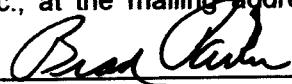
By: 
 By Deputy Clerk
 Deputy Clerk



Barnstable County Sheriff's Office

I hereby certify and return that on **August 29, 2005 at 2:40 PM** I served a true and attested copy of Summons to Trustee, in hand to Lindsay Walsh, agent person in charge able to accept civil process for the within named, Bank North, at the last and usual business address to wit: 307 Main Street, Hyannis, MA 02601 and also by mailing 1st class a copy of the Summons with doings thereon to the within named Defendant, Upper Cape Electrical, Inc., at the mailing address of: 20 Perry Avenue, Bourne, MA 02532, on August 29, 2005.

Fee: \$51.40



Brad Parker, Deputy Sheriff
PO Box 614, Centerville, MA 02632